



**Billing Code 4333–15**

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**[FWS–R8–ES–2017–N133; FXES11130800000–178–FF08EVEN00]**

**Receipt of Application for Incidental Take Permit; Draft Low-Effect Habitat Conservation Plan for the California Tiger Salamander; Phillips 66 Line 300 Project, Santa Barbara County, California**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), have received an application from Phillips 66 Pipeline, LLC for an incidental take permit under the Endangered Species Act of 1973, as amended. The permit would authorize take of the federally endangered California tiger salamander (Santa Barbara distinct population segment), incidental to otherwise lawful activities associated with the Phillips 66 Line 300 Project draft low-effect habitat conservation plan. We invite public comment.

**DATES:** Written comments should be received on or before **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

**ADDRESSES:** *To obtain documents:* You may download a copy of the draft habitat conservation plan and draft low-effect screening form and environmental action statement at <http://www.fws.gov/ventura/>, or you may request copies of the documents by sending U.S. mail to our Ventura office, or by phone (see **FOR FURTHER INFORMATION CONTACT**).

*To submit written comments:* Please send us your written comments using one of the following methods:

- *U.S. mail:* Send your comments to: Stephen P. Henry, Field Supervisor, Ventura Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2493 Portola Road, Suite B, Ventura, CA 93003.
- *Facsimile:* Fax your comments to 805–644–3958.

**FOR FURTHER INFORMATION CONTACT:** Rachel Henry, Fish and Wildlife Biologist, 805–677–3312 (phone), or at the Ventura address in **ADDRESSES**.

**SUPPLEMENTARY INFORMATION:** We have received an application from Phillips 66 Pipeline, LLC (applicant) for an incidental take permit under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.; ESA). The applicant has agreed to follow all of the conditions in the draft habitat conservation plan for the project. The permit would authorize take of the Santa Barbara distinct population segment of the federally endangered California tiger salamander (*Ambystoma californiense*) incidental to otherwise lawful activities associated with the draft Phillips 66 Line 300 Project Habitat Conservation Plan (HCP). We invite public comment on the application, the draft HCP, draft low-effect screening form, and environmental action statement.

### **Background**

The Santa Barbara distinct population segment (DPS) of the California tiger salamander was listed by the Service as endangered on September 21, 2000 (65 FR 57242). Section 9 of the ESA and its implementing regulations prohibit the “take” of fish or wildlife species listed as endangered or threatened. “Take” is defined under the ESA to include the following activities: “[T]o harass, harm, pursue, hunt, shoot, wound, kill, trap,

capture, or collect, or to attempt to engage in any such conduct” (16 U.S.C. 1532); however, under section 10(a)(1)(B) of the ESA, we may issue permits to authorize incidental take of listed species. “Incidental take” is defined by the ESA as take that is incidental to, and not the purpose of, carrying out of an otherwise lawful activity. Regulations governing incidental take permits for threatened and endangered species are in the Code of Federal Regulations (CFR) at 50 CFR 17.32 and 17.22, respectively. Under the ESA, protections for federally listed plants differ from the protections afforded to federally listed animals. Issuance of an incidental take permit also must not jeopardize the existence of federally listed fish, wildlife, or plant species. The permittee would receive assurances under our “No Surprises” regulations (50 CFR 17.22(b)(5) and 17.32(b)(5)) regarding conservation activities for the California tiger salamander.

### **Applicant’s Proposed Activities**

The applicant has applied for a permit for incidental take of the California tiger salamander. The potential take will occur in association with activities necessary for the reconditioning of approximately 2,430 linear feet of the existing 300 Line. The site includes 2.9 acres of suitable upland habitat for the California tiger salamander. The HCP includes avoidance and minimization measures for the covered species and mitigation for unavoidable loss of occupied upland habitat through the purchase of mitigation credits at a Service-approved conservation bank.

### **Our Preliminary Determination**

The Service has made a preliminary determination that issuance of the incidental take permit is neither a major Federal action that will significantly affect the quality of the human environment within the meaning of section 102(2)(C) of the National

Environmental Policy Act (42 U.S.C. 4321 et seq.; NEPA), nor will it individually or cumulatively have more than a negligible effect on the species covered in the HCP.

Therefore, the permit qualifies for a categorical exclusion under NEPA.

### **Public Comments**

If you wish to comment on the permit application, draft HCP, and associated documents, you may submit comments by one of the methods in **ADDRESSES**.

### **Public Availability of Comments**

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public view, we cannot guarantee that we will be able to do so.

### **Authority**

We provide this notice under section 10 of the ESA (16 U.S.C. 1531 et seq.) and NEPA regulations (40 CFR 1506.6).

**Dated:** October 31, 2017.

**Stephen P. Henry, Field Supervisor,**

**Ventura Fish and Wildlife Office**

**Ventura, California.**

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